

By Ush

S.B. No. 737

A BILL TO BE ENTITLED

AN ACT

relating to certain requirements for licensure as a fitter or dispenser of hearing aids.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 1, Chapter 366, Acts of the 61st Legislature, Regular Session, 1969 (Article 4566-1.01, Vernon's Texas Civil Statutes), is amended by adding Subdivision (h) to read as follows:

(h) "Measurement of human hearing" means a diagnostic examination of human hearing acuity that uses an audiometer or any other procedure common to an otological or audiological assessment of hearing acuity that is conducted to ascertain the existence or degree of a hearing loss or to provide corrective hearing services.

SECTION 2. (a) Effective September 1, 1987, Section 6(b), Chapter 366, Acts of the 61st Legislature, Regular Session, 1969 (Article 4566-1.06, Vernon's Texas Civil Statutes), is amended to read as follows:

(b) The applicant shall make application, furnishing to the Secretary-Treasurer of the Board on forms to be furnished by the Board:

(1) [7] sworn evidence that he has attained the age of majority;

(2) sworn evidence that he has completed and received an associate degree from, or completed the equivalent course work at,

1 an accredited institution of higher education; [~~and-has-graduated~~
2 ~~from-an-accredited-high-school-or-equivalent;~~] and

3 (3) such other information as the Board may deem necessary
4 for the enforcement of this Act.

5 (b) Effective September 1, 1989, Section 6(b), Chapter 366,
6 Acts of the 61st Legislature, Regular Session, 1969 (Article
7 4566-1.06, Vernon's Texas Civil Statutes), is amended to read as
8 follows:

9 (b) The applicant shall make application, furnishing to the
10 Secretary-Treasurer of the Board on forms to be furnished by the
11 Board:

12 (1) [~~7~~] sworn evidence that he has attained the age of
13 majority;

14 (2) sworn evidence that he has completed and received a
15 bachelor's degree in audiology, or a bachelor's degree with
16 audiology as a minor academic subject, from an accredited
17 institution of higher education; [~~and--has--graduated--from--an~~
18 ~~accredited-high-school-or-equivalent;~~] and

19 (3) such other information as the Board may deem necessary
20 for the enforcement of this Act.

21 (c) Effective September 1, 1991, Section 6(b), Chapter 366,
22 Acts of the 61st Legislature, Regular Session, 1969 (Article
23 4566-1.06, Vernon's Texas Civil Statutes), is amended to read as
24 follows:

25 (b) The applicant shall make application, furnishing to the
26 Secretary-Treasurer of the Board on forms to be furnished by the
27 Board:

1 (1) [7] sworn evidence that he has attained the age of
2 majority;

3 (2) sworn evidence that he has completed and received a
4 master's degree in audiology from an accredited institution of
5 higher education; [and-has-graduated-from-an-accredited-high-school
6 or-equivalent;] and

7 (3) such other information as the Board may deem necessary
8 for the enforcement of this Act.

9 (d) Each change made by this section applies only to
10 applications filed with the Texas Board of Examiners in the Fitting
11 and Dispensing of Hearing Aids while that provision is in effect.
12 The law in effect before the change made by Subsection (a) of this
13 section applies to applications filed before the effective date of
14 Subsection (a) and remains in effect for that purpose.

15 SECTION 3. Section 19, Chapter 366, Acts of the 61st
16 Legislature, Regular Session, 1969 (Article 4566-1.19, Vernon's
17 Texas Civil Statutes), is amended to read as follows:

18 Sec. 19. EXCEPTIONS. (a) This Act does not apply to
19 physicians and surgeons who are licensed by the Texas State Board
20 of Medical Examiners and who are qualified and trained in the
21 measurement of human hearing.

22 (b) An audiologist licensed under Chapter 381, Acts of the
23 68th Legislature, Regular Session, 1983 (Article 4512j, Vernon's
24 Texas Civil Statutes), may select and adapt hearing aids without
25 obtaining a license under this Act if that person does not sell
26 hearing aids. [Nothing-in-this-Act-shall-be-construed-to-apply--to
27 the-following-

1 [(1) -- Persons -- engaged -- in -- the -- practice -- of -- measuring -- human
2 hearing -- as -- a -- part -- of -- the -- academic -- curriculum -- of -- an -- accredited
3 institution -- of -- higher -- learning, -- provided -- such -- persons -- or -- their
4 employees -- do -- not -- sell -- hearing -- aids --

5 [(2) -- Physicians -- and -- surgeons -- duly -- licensed -- by -- the -- Texas
6 State -- Board -- of -- Medical -- Examiners -- and -- qualified -- to -- practice -- in -- the
7 State -- of -- Texas --

8 [(3) -- An -- individual -- with -- a -- master's -- or -- doctorate -- degree -- in
9 audiology -- from -- an -- accredited -- college -- or -- university -- may -- engage -- in
10 the -- measurement -- of -- human -- hearing -- by -- the -- use -- of -- an -- audiometer -- or -- by
11 any -- means -- for -- the -- purpose -- of -- making -- selections -- and -- adaptations -- of
12 or -- recommendations -- for -- a -- hearing -- aid -- and -- the -- making -- of -- impressions
13 for -- earmolds -- to -- be -- used -- as -- part -- of -- a -- hearing -- aid, -- provided -- such
14 persons -- do -- not -- sell -- hearing -- aids --]

15 SECTION 4. (a) This section applies to a person who, on the
16 effective date of this Act:

17 (1) is engaged in the practice of measuring human hearing as
18 part of the academic curriculum of an accredited institution of
19 higher education;

20 (2) possesses an earned postbaccalaureate degree in
21 audiology from an accredited institution of higher education; or

22 (3) is licensed under any other Act that requires a test for
23 licensure equal to that provided under Section 6, Chapter 366, Acts
24 of the 61st Legislature, Regular Session, 1969 (Article 4566-1.06,
25 Vernon's Texas Civil Statutes).

26 (b) A person covered by this section is eligible to obtain a
27 license under Section 6, Chapter 366, Acts of the 61st Legislature,

1 Regular Session, 1969 (Article 4566-1.06, Vernon's Texas Civil
2 Statutes), without taking the examination required by that Act, if
3 the person fulfills all other requirements for obtaining a license
4 under that Act.

5 (c) An application for a license under this section must be
6 made before March 1, 1989. This section expires March 1, 1989,
7 except that it continues in effect for the disposition of any
8 license application made under this section before that date.

9 SECTION 5. A person who on August 31, 1987, holds a valid
10 license to fit and dispense hearing aids under Chapter 366, Acts of
11 the 61st Legislature, Regular Session, 1969 (Article 4566-1.01 et
12 seq., Vernon's Texas Civil Statutes), is not required to satisfy
13 the examination application requirements as changed by this Act in
14 order to renew the license under that law.

15 SECTION 6. This Act takes effect September 1, 1987.

16 SECTION 7. The importance of this legislation and the
17 crowded condition of the calendars in both houses create an
18 emergency and an imperative public necessity that the
19 constitutional rule requiring bills to be read on three several
20 days in each house be suspended, and this rule is hereby suspended.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

March 26, 1987

TO: Honorable Chet Brooks, Chairman
Committee on Health and Human Services
Senate Chamber
Austin, Texas

In Re: Senate Bill No. 737
By: Uribe

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Senate Bill No. 737 (relating to certain requirements for licensure as a fitter or dispenser of hearing aids) this office has determined the following:

The bill would require that an applicant for licensure have, effective September 1, 1987, an associate degree or equivalent, by September 1, 1989 a bachelor's degree in audiology or a B.A. with audiology as a minor academic subject, and by September 1, 1991 a masters degree in audiology.

Individuals in the practice of measuring human hearing as part of the academic curriculum of an accredited institution and persons possessing a post-baccalaureate degree in audiology would be permitted, from September 1, 1987 to March 1, 1989, to be licensed without taking an examination.

The probable revenue loss from implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

<u>Fiscal Year</u>	<u>Probable Revenue Loss to the General Revenue Fund</u>
1988	\$17,000
1989	20,000
1990	20,000
1991	25,000
1992	25,000

Similar annual revenue losses would continue as long as the provisions of the bill are in effect.

No fiscal implication to units of local government is anticipated.

Source: Board of Examiners in the Fitting and Dispensing of Hearing Aids;
LBB Staff: JO, HES, JWH, ML, PA

MAR 30 8 42 AM '87
RECEIVED
SECRETARY OF SENATE

S. B. No.

137

By

URIBE

Relating to certain requirements for licensure as a fitter or dispenser of hearing aids.

3-6-87

Filed with the Secretary of the Senate

MAR 9 1987

Read and referred to Committee on HEALTH AND HUMAN SERVICES

Reported favorably

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

Ordered not printed

Laid before the Senate

Senate and Constitutional Rules to permit consideration suspended by:

unanimous consent

____ yeas, ____ nays

Read second time, _____, and ordered engrossed by:

unanimous consent
a viva voce vote

____ yeas, ____ nays

Caption ordered amended to conform to the body of the bill.

Senate and Constitutional 3 Day Rule suspended by a vote of ____ yeas, ____ nays.

Read third time, _____, and passed by ____ yeas, ____ nays.

SECRETARY OF THE SENATE

OTHER ACTION:

Engrossed

Sent to House

Engrossing Clerk

Received from the Senate

Read first time and referred to Committee on _____

Reported favorably amended, sent to Printer at _____

Printed and Distributed _____

Sent to Committee on Calendars _____

Read Second time (amended): passed to third reading (failed)

by (Non-Record Vote) Record Vote of ____ yeas, ____ nays ____ present not voting.

Constitutional Rule requiring bills to be read on three several days suspended (failed to suspend) by a four-fifths vote of ____ yeas, ____ nays ____ present not voting.

Read third time (amended); finally passed (failed) by a (Non-Record Vote) Record Vote of

____ yeas, ____ nays ____ present not voting.

Caption ordered amended to conform to body of bill.

Returned to Senate.

CHIEF CLERK OF THE HOUSE

Returned from House without amendment.

Returned from House with ____ amendments.

Concurred in House amendments by a viva voce vote ____ yeas, ____ nays.

_____ Refused to concur in House amendments and requested the appointment of a Conference Committee to adjust the differences.

_____ Senate conferees instructed.

_____ Senate conferees appointed: _____, Chairman; _____,
_____, _____, and _____

_____ House granted Senate request. House conferees appointed: _____, Chairman;
_____, _____, _____.

_____ Conference Committee Report read and filed with the Secretary of the Senate.

_____ Conference Committee Report adopted on the part of the House by: _____

{ a viva voce vote
_____ yeas, _____ nays

_____ Conference Committee Report adopted on the part of the Senate by: _____

{ a viva voce vote
_____ yeas, _____ nays

OTHER ACTION:

_____ Recommitted to Conference Committee

_____ Conferees discharged

_____ Conference Committee Report failed of adoption by: _____

{ a viva voce vote
_____ yeas, _____ nays

SHH